

H

BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF COMSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of)	Case No. 1E-98-91619
Issues Against:)	
)	OAH No. L-1999030090
MAHMOOD BULKO TIMBO)	
349 S. Lafayette Parkway Pl. #141)	
Los Angeles, California 90057)	
)	
Applicant/Respondent.)	
_____)	

DECISION AFTER NONADOPTION

This matter was heard by Humberto Flores, Administrative Law Judge with the Office of Administrative Hearings, on April 23, 1999, in Los Angeles, California.

Deputy Attorney General Elisa B. Wolfe represented Complainant.

Respondent Mahmood Bulko Timbo appeared personally and represented himself.

Oral and documentary evidence was received and the record was left open to allow complainant to submit copies of the court records in the criminal case against respondent's employer. These document were received on April 29, 1999, and marked and admitted as Exhibit "4". Complainant also submitted Fictitious Name Statements by Saad Fathi as owner of the "Washington Culver City Medical Group" and "Clinica Familiar of Culver City." This documents were marked and admitted as Exhibit "5". On May 11, 1999, respondent submitted his response which was marked and admitted as Exhibit "C".

The record was closed on May 11, 1999, and the matter deemed submitted. The Administrative Law Judge finds as follows:

The proposed decision of the administrative law judge was submitted to the Committee on June 3, 1999. After due consideration thereof, the Committee declined to adopt said proposed decision and thereafter on July 27, 1999 issued an Order of Nonadoption and subsequently issued an Order Fixing Date for Submission of Written

Argument. The time for filing written argument in this matter having expired, written argument having been filed by both parties and such written argument, together with the entire record, including the transcript of said hearing, having been read and considered, pursuant to Government Code Section 11517, the Committee hereby makes the following decision and order:

I

Complainant Ray E. Dale made the Statement of Issues in his official capacity as the Executive Officer of the Physician Assistant Committee ("Committee").

II

On August 24, 1998, Mahmood Bulko Timbo ("respondent") submitted to the Committee an application for licensure as a physician assistant.

III

On October 2, 1998, the committee denied respondent's application. Respondent requested a hearing.

IV

A. On June 25, 1997, in the Los Angeles Superior Court, Central Judicial District, State of California (Case No. BA149638), respondent was convicted on his plea of guilty to one count charging a violation section 487(a) of the Penal Code. This is a crime of moral turpitude and substantially related to the duties, functions and qualifications of a physician assistant.

B. Imposition of sentence was suspended and respondent was placed on three years formal probation on certain terms and conditions, including the condition that he pays restitution to the victim.

C. The facts and circumstances of the conviction were that as follows: Respondent originally entered the United States as a visitor from Sierra Leone. Respondent's visitor's visa expired and he remained in this country illegally for several years. In 1993, respondent obtained a temporary work authorization as a result of his marriage to a U.S. citizen. On January 20, 1995, respondent applied for and was granted admission to a physician assistant training program at Charles Drew University. Respondent made an application for financial aid wherein he falsely represented that he was a U.S. citizen born in the U.S. Virgin Islands. Respondent

was granted financial aid in the amount of \$18,000 based in part on his misrepresentation that he was a U.S. citizen.

V

A. Respondent is extremely remorseful and testified that he has embarrassed himself and his family by his misconduct. He has since taken complete responsibility for his crime. Respondent testified honestly at the hearing and did not try to minimize the seriousness of his misconduct.

B. Respondent has the support of his professors and the administration at Charles Drew University. Respondent's Probation Officer testified that he is a model probationer and regularly makes restitution payments. This is an indication that respondent is making an effort at rehabilitation. However, respondent has not yet completed his criminal probation.

C. The public would not be adequately protected by issuing respondent a license.

VI

Earlier this year, respondent was employed by the Washington/Culver City Medical Group. At the hearing, it was brought to respondent's attention that the owner of Washington/Culver City Medical Group had previously been associated with the Crenshaw Family Practice Medical Group which had been prosecuted for Conspiracy to defraud Medi-Cal and Medicare and for receiving unlawful Medi-Cal remuneration. The Crenshaw Group pled guilty to the charge of violating Welfare and Institution Code section 14107.2(b) (Receiving Unlawful Medi-Cal Remuneration). Upon learning of this fact, respondent immediately resigned from Washington/Culver City Medical Group.

CONCLUSIONS OF LAW

I

Cause exists to deny respondent's application for licensure as a physician assistant, under Business and Professions Code sections 480 and 3527, based on respondent misconduct and subsequent conviction as set forth in finding 4.

II


Respondent has not established sufficient rehabilitation that the public would be adequately protected if respondent was issued a license.

ORDER

The application of respondent Mahmood Mulko Timbo, for licensure as a physician assistant is denied.

This decision shall become effective on November 29 , _____, 1999.

IT IS SO ORDERED this 28th day of October , 1999.



ROBERT SACHS, Chairperson
Physician Assistant Committee

4

OA# No: L-1999030090

BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF COMSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of)
Issues Against:)

Case No. 1E-98-91619

MAHMOOD BULKO TIMBO)
349 S. Lafayette Parkway Pl. #141)
Los Angeles, California 90057)

OAH No. L-1999030090

Applicant/Respondent.)
_____)

PROPOSED DECISION

This matter was heard by Humberto Flores, Administrative Law Judge with the Office of Administrative Hearings, on April 23, 1999, in Los Angeles, California.

Deputy Attorney General Elisa B. Wolfe represented Complainant.

Respondent Mahmood Bulko Timbo appeared personally and represented himself.

Oral and documentary evidence was received and the record was left open to allow complainant to submit copies of the court records in the criminal case against respondent's employer. These document were received on April 29, 1999, and marked and admitted as Exhibit "4". Complainant also submitted Fictitious Name Statements by Saad Fathi as owner of the "Washington Culver City Medical Group" and "Clinica Familiar of Culver City." This documents were marked and admitted as Exhibit "5". On May 11, 1999, respondent submitted his response which was marked and admitted as Exhibit "C".

The record was closed on May 11, 1999, and the matter deemed submitted. The Administrative Law Judge finds as follows"

I

Complainant Ray E. Dale made the Statement of Issues in his official capacity as the Executive Officer of the Physician Assistant Committee ("Committee").

II

On August 24, 1998, Mahmood Bulko Timbo ("respondent") submitted to the Committee an application for licensure as a physician assistant.

III

On October 2, 1998, the committee denied respondent's application. Respondent requested a hearing.

IV

A. On June 25, 1997, in the Los Angeles Superior Court, Central Judicial District, State of California (Case No. BA149638), respondent was convicted on his plea of guilty to one count charging a violation section 487(a) of the Penal Code. This is a crime of moral turpitude and substantially related to the duties, functions and qualifications of a physician assistant.

B. Imposition of sentence was suspended and respondent was placed on three years formal probation on certain terms and conditions, including the condition that he pays restitution to the victim.

C. The facts and circumstances of the conviction were that as follows: Respondent originally entered the United States as a visitor from Sierra Leone. Respondent's visitor's visa expired and he remained in this country illegally for several years. In 1993, respondent obtained a temporary work authorization as a result of his marriage to a U.S. citizen. On January 20, 1995, respondent applied for and was granted admission to a physician assistant training program at Charles Drew University. Respondent made an application for financial aid wherein he falsely represented that he was a U.S. citizen born in the U.S. Virgin Islands. Respondent was granted financial aid in the amount of \$18,000 based in part on his misrepresentation that he was a U.S. citizen.

V

A. Respondent is extremely remorseful and testified that he has embarrassed himself and his family by his misconduct. He has since taken complete responsibility for his crime. Respondent testified honestly at the hearing and did not try to minimize the seriousness of his misconduct.

B. Respondent comes from a good family. Respondent's brother indicated that he would use his influence and support to help insure that respondent does not engage in misconduct in the future. Further, respondent has the support of his professors and the administration at Charles Drew University. Respondent's Probation Officer testified that he is a model probationer and regularly makes restitution payments. It is very rare that a probation officer testifies on behalf of a respondent in an administrative hearing. This is an indication that respondent is truly making an effort at rehabilitation.

C. Based on the entire record, as well as respondent's demeanor and comportment at the hearing, the public would be adequately protected by issuing respondent a probationary license under strict conditions.

VI

Earlier this year, respondent was employed by the Washington/Culver City Medical Group. At the hearing, it was brought to respondent's attention that the owner of Washington/Culver City Medical Group had previously been associated with the Crenshaw Family Practice Medical Group which had been prosecuted for Conspiracy to defraud Medi-Cal and Medicare and for receiving unlawful Medi-Cal remuneration. The Crenshaw Group pled guilty to the charge of violating Welfare and Institution Code section 14107.2(b) (Receiving Unlawful Medi-Cal Remuneration). Upon learning of this fact, respondent immediately resigned from Washington/Culver City Medical Group.

CONCLUSIONS OF LAW

I

Cause exists to deny respondent's application for licensure as a physician assistant, under Business and Professions Code sections 480 and 3527, based on respondent misconduct and subsequent conviction as set forth in finding 4.

II

Respondent established rehabilitation to the extent that the public would be adequately protected by issuing respondent a probationary license under strict conditions.

ORDER

The application of respondent Mahmood Mulko Timbo, for licensure as a physician assistant is denied; however, respondent is granted a probationary license for five (5) years under the following conditions:

1. *Obey All Laws*

Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine as a physician assistant in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

2. *Quarterly Reports*

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the committee or its designee, stating whether there has been compliance with all the conditions of probation.

3. *Surveillance Program*

Respondent shall comply with the committee's probation surveillance program.

4. *Interview with Medical Consultant*

Respondent shall appear in person for interviews with the committee's medical or expert physician assistant consultant upon request at various intervals and with reasonable notice.

5. *Tolling for Out-of-State Practice or Residence*

The period of probation shall not run during the time respondent is residing or practicing outside the jurisdiction of California. If, during probation, respondent moves out of the jurisdiction of California to reside or practice elsewhere, including federal facilities, respondent is required to immediately notify the committee in writing of the date of departure, and the date of return, if any.

6. *Initial Probation Interview*

Respondent shall appear in person for an initial interview with a designee of the PAEC within 90 days of the final decision. Respondent shall subject himself/herself to an initial interview at a time and place determined by the committee or its designee.

7. *Unannounced Clinical Site Visit*

At least once per calendar year or more frequently as determined by the committee or its designee unannounced clinical site visits by shall be made by the committee or its designee to ensure that respondent is complying with all terms and conditions of probation.

8. Violation of Probation

If respondent violates probation in any respect, the committee after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the committee shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

9. Voluntary License Surrender

Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his license to the committee. The committee reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation

10. Ethics Course

Within three months of the effective date of this decision, respondent shall submit to the committee or its designee for its prior approval a course in ethics, which respondent shall successfully complete during the first year of probation. Respondent shall participate in ethics course at own expense.

11. Notification of Employer and Supervising Physician

Respondent shall notify his current and any subsequent employer and supervising physician(s) of his discipline and provide each a copy of the Stipulation, Decision, and Order to each such employer and supervising physician(s) during his period of probation. At onset of that employment, Respondent shall ensure that each employer informs the Physician Assistant Examining Committee, or its agent, in writing within thirty (30) days, verifying that the employer and supervising physician(s) has been informed of this Stipulation and Order.

12. Completion of Probation

Upon successful completion of probation as determined by the committee's executive officer, respondent's license will be fully restored.

DATED: June 3, 1999

Humberto Flores

HUMBERTO FLORES
Administrative Law Judge
Office of Administrative Hearings